

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE PHILADELPHIA REGIONAL PORT AUTHORITY,	:	
	:	
	:	
Plaintiff,	:	No. 2:24-cv-1008
	:	
v.	:	
	:	
UNITED STATES ARMY CORPS OF ENGINEERS <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

NOTICE OF VOLUNTARY DISMISSAL OF PLAINTIFF'S REMAINING CLAIMS UNDER SECTION 204(f) OF THE WATER RESOURCES DEVELOPMENT ACT

In accordance with the Court's January 6, 2025 Order (Dkt. No. 52), Plaintiff the Philadelphia Regional Port Authority ("PhilaPort") hereby files a Notice of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) regarding its claims against Defendants under Section 204(f) (33 U.S.C. § 2232(f)) of the Water Resources Development Act. Rule 41(a)(1)(A)(i) permits a plaintiff to dismiss an action without a court order by filing a notice before the opposing party serves a motion for summary judgment. *See* FED. R. CIV. P. 41(a)(1)(A)(i). Voluntary dismissal under Rule 41(a)(1)(A)(i) is proper here because, although the Court granted summary judgment in favor of PhilaPort on its claims under Section 404/10 under the Clean Water Act and Rivers and Harbors Act (33 U.S.C. §§ 1344; 403, respectively) and Section 408 of the Rivers and Harbors Act (33 U.S.C. § 408), it ordered separate summary judgment briefing on PhilaPort's Section 204(f) claims, which the Court then deferred in light of its October 28, 2024 Order granting summary judgment (Dkt. No. 41), pending any appeal of that Order by Defendants.

Defendants did not appeal, which rendered PhilaPort's Section 204(f) claims moot. Accordingly, PhilaPort hereby voluntarily dismisses as moot its Section 204(f) claims against Defendants, with prejudice.

Respectfully submitted,

/s/ Michael J. Engle

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Dated: January 8, 2025

CERTIFICATE OF SERVICE

I, Brandon M. Riley, hereby certify that on January 8, 2025, I caused a true and correct copy of the foregoing to be served via the Court's ECF system upon all counsel of record.

/s/ Brandon M. Riley
Brandon M. Riley